



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,563	10/18/2001	Olaf Weissmueller	F-7187	7880

28107 7590 08/27/2002

JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK, NY 10168

EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/982,563

Applicant(s)

WEISSMUELLER ET AL. *N JK*

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17 is/are rejected.
- 7) ☒ Claim(s) 12-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-29-02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because Reference character “4” has been used to designate both the **lid part** (page 8) and **roof part** (page 8).

Reference character “6” has been used to designate both the **space for accommodating luggage** (page 8) and **trunk** (page 8).

Reference character “12” has been used to designate both the **drag bearing** (page 9) and **main bearing** (page 11).

Reference character “112” has been used to designate both the **drag bearing** (page 14) and **main bearing** (page 16).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference characters **144** (page 19), **104.1** (page 19), **134** (page 20) and **153** (page 20) are not shown in the drawings.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities:

“The distinguishing features of claim 1” (page 2) needs to be changed to state the distinguishing features of claim 1.

“The distinguishing features of claim 8” (page 2) needs to be changed to state the distinguishing features of claim 8.

“Advantageous developments are given in the dependent claims 2 to 7 and 9 to 17” (page 2) needs to be changed to state the advantageous developments of claims 2 to 7 and 9 to 17.

“The lid about 4” (page 8) is awkward.

“Points 116 117” (page 16) needs to be changed to --points 116, 117--.

“Figures 22 to 24” (page 20) needs to be changed to --Figures 22 and 23--.

Appropriate correction is required.

***Claim Objections***

4. Claims 7 and 8-17 are objected to because of the following informalities:

Regarding claim 7, “the auxiliary arm” (line 4) needs to be changed to --the auxiliary frame--.

Regarding claim 8, “one the one hand” (line 3) is awkward.

Regarding claims 10, 11 and 12, “The convertible vehicle” (line 1) needs to be changed to --The convertible--.

Regarding claims 14, 15 and 17, “The device” (line 1) needs to be changed to --The convertible--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-11 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Hayashi et al. 6,352,298.

Regarding claim 1, Hayashi et al. '298 discloses a convertible with a roof, which can be stowed in the rear region of the vehicle beneath a lid part (4), it being possible to open and closed the lid part on the one hand, for unblocking an opening for the passage of the roof adjacent to the front region of the lid part and, on the other, for unblocking an opening for luggage, adjacent to the rear end region, an auxiliary frame (13) being disposed beneath the lid part and connected in the, in the driving direction, pre-disposed area over a multiple joint with the lid part and mounted moveably with respect to the vehicle body in its rear region, wherein the multiple joint, while the opening for the passage of the roof is unblocked, is held in stood-up position, which enlarges the distance between the lid part and the auxiliary frame relative to that of the closed position.

Regarding claim 2, Hayashi et al. '298 discloses the convertible wherein the multiple joint comprises at least two coupled, partial joints (9 and 11), of which one (11) is mount at the lid part (4) and one (9) at the auxiliary frame (13).

Regarding claim 3, Hayashi et al. '298 discloses the convertible wherein the partial joints (9 and 11) are connected with one another over a rigid coupling body (10), which, outside of its

connection to the partial joints, is freely moveable in the opened position of the lid part for unblocking the opening for the passage of the roof.

Regarding claim 4, Hayashi et al. '298 discloses the convertible wherein the partial joints (9 and 11) in each case comprises several guide rods (18a, 18b, 16, 17 and 19), which are pivotable connected with the coupling body (10).

Regarding claim 5, Hayashi et al. '298 discloses the convertible wherein the partial joints (9 and 11) in each case comprise two joints points which are mounted to the coupling body (10).

Regarding claim 6, Hayashi et al. '298 discloses the convertible wherein the partial joint (11), assigned to the lid part (4), has two joint points, which are mounted at the lid part, and partial joint (9), assigned to the auxiliary frame (13), has two joint points, which are mounted at the auxiliary frame.

Regarding claim 7, Hayashi et al. '298 discloses the convertible wherein the partial joint (9), which is connected with the auxiliary frame (13), causes the guide rod (18a and 18b) of the partial joint (11), which is connected with the lid part (4), to stand up over a movement of the auxiliary arm (13) and a coupling with the coupling body (10).

Regarding claim 8, Hayashi et al. '298 discloses a convertible with a roof, which can be stowed in the rear region of the vehicle beneath a lid part (4), it being possible to open and close the lid part, on the one hand, for unblocking an opening for the passage of the roof, adjacent to the front end region of the lid part and, on the other, for unblocking an opening for luggage, adjacent to the rear end region of the lid part, an auxiliary frame (13) being disposed beneath the lid part and connected in the, in the driving direction, pre-disposed area over a multiple joint with the lid part and mounted moveably with respect to the vehicle body in its rear region, wherein the

Art Unit: 3612

multiple joint, during the unblocking of the opening for the passage of the roof, is held in an opened position, which increases the distance between the lid part and the auxiliary frame in comparison to the distance in the closed position.

Regarding claim 9, Hayashi et al. '298 discloses the convertible wherein the multiple joint is a quadruple joint, two joint points being assigned to the lid part (4) and two further joint points being assigned to the auxiliary frame (13).

Regarding claim 10, Hayashi et al. '298 discloses the convertible wherein the joint point or points, assigned to the auxiliary frame (13), are held so that they can be shifted with respect to the auxiliary frame.

Regarding claim 11, Hayashi et al. '298 discloses the convertible wherein the shiftability during the opening of the lid part (4) for unblocking the opening for luggage is inhibited (24).

Regarding claim 17, Hayashi et al. '298 discloses the convertible wherein, when the lid part (4) is closed, the two joint points, assigned to the auxiliary frame (13), are held in a, in the driving direction, extreme rear position.

***Allowable Subject Matter***

7. Claims 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3612

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other convertible roofs stowed in the rear region of the vehicle similar to that of the current invention.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1134.

Lori L. Coletta  
Examiner  
Art Unit 3612

 8/20/02  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

llc  
llc  
August 19, 2002